

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

KEVIN L. PENCE

PLAINTIFF

v.

No. 2:20-CV-02152

ANDREW SAUL, Commissioner,
Social Security Administration

DEFENDANT

ORDER

The Court has received a report and recommendations (Doc. 21) from United States Magistrate Judge Barry A. Bryant. The Magistrate recommends that the Court reverse the Commissioner's finding at step two of the sequential evaluation that Plaintiff did not have a severe impairment, and remand for further proceedings. No objections have been filed and the deadline to object has passed. The Court has reviewed this case and agrees that the ALJ's decision was not¹ supported by substantial evidence. The report and recommendations (Doc. 21) is ADOPTED IN ITS ENTIRETY.

IT IS THEREFORE ORDERED that the Commissioner's finding is REVERSED and this case is REMANDED to the Commissioner for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED this 4th day of May, 2021.

/s/ P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE

¹ Pursuant to Federal Rule of Civil Procedure 60(a), the Court must correct a clerical mistake in the conclusion of the report and recommendations (Doc. 21, p. 6), which should read "Based on the foregoing, the undersigned finds that the decision of the ALJ, denying benefits to Plaintiff, is not supported by substantial evidence" The omission of the word "not" is clearly an oversight in light of the substance of the report and recommendations.